

During a press conference in the White House Rose Garden last week, President Obama called into question one of the tenets of our federal court system – the doctrine of judicial review. His remarks raised eyebrows all across Washington and even prompted a federal judge in Houston to challenge the administration to clarify its position. Such overreach has been a hallmark of a White House that seems determined to push the limits of its own power.

Two weeks ago, the United States Supreme Court held three days of oral arguments in the case of the U.S. Department of Health and Human Services vs. Florida (the president's health care law). Twenty-six states, including Alabama, are calling on the Supreme Court to overturn the controversial health care law on the grounds that its mandate that every American buy health insurance is unconstitutional.

After listening to both sides, the nation's nine Supreme Court justices are expected to render a verdict on the 2,700 page health care law by mid-summer. Perhaps feeling pressure from the high court's initial scrutiny of Obamacare, the president took the unusual step of seeming to directly challenge the Supreme Court's authority to strike down his signature law. He characterized such a move as "unprecedented [and] extraordinary" in light of the fact that his health care law passed by "a strong majority of a democratically elected Congress."

As a past professor of constitutional law, the president should be very familiar with the doctrine of judicial review as established in the 1803 case of *Marbury v. Madison*. Federal courts have the right to overturn laws they find unconstitutional. The president's argument that a law's popularity should somehow shield it from judicial scrutiny is remarkable, and ignores the fact that Obamacare was ramrodded through Congress without the support of a majority of Americans and, to this day, still lacks a popular mandate. I twice voted against Obamacare and continue to support efforts in the House to repeal it outright.

A federal judge in Texas even called the president out for his statements, ordering U.S. Attorney General Eric Holder to explain the administration's position on judicial review.

Whether or not President Obama actually believes the court has no right to strike down federal laws, his comments, unfortunately, follow a pattern of confrontation that has only served to further polarize politics in Washington. As he told a group of supporters in Washington last September, "I'd like to work my way around Congress." He's certainly done his best to

accomplish his goal. Since Republicans gained a majority in the House, he has made no secret of his desire to employ executive orders and federal agency rulings to do an end-run around Congress.

The president's reluctance to accept the separate and coequal roles of the Congress and the Supreme Court alongside his own underscore the importance of the firewalls the Constitution places between the three branches of our government. While the outcome of the Supreme Court's review of Obamacare is uncertain, the president has not helped his case by his irresponsible remarks last week.

Running on Fumes:

Facing heat from his administration's inability to address rising gas prices, President Obama is attempting to deflect attention from his own failed energy policies by calling for tax increases on energy companies.

Energy companies already pay billions in taxes, with a marginal tax rate of 41 percent compared to 26 percent for the rest of businesses in Standard & Poor's 500, and no one is suggesting that they shouldn't pay their fair share.

However, it defies logic to think for a minute that hiking their taxes will somehow ease pump prices for Americans.

Any time the government raises taxes on business those additional costs are passed along to the consumer. The non-partisan Congressional Research Service has concluded that such a move would indeed increase energy costs here at home.

Raising taxes is but one of the administration's questionable energy proposals. Others include blocking full construction of the Keystone XL Pipeline, increasing regulations on oil refiners and siphoning the Strategic Petroleum Reserve. These measures do nothing to ease long-term energy costs.

Rather than public relations gimmicks, the American people want an aggressive and balanced strategy that taps more fossil fuel here at home while also devoting resources for realistic alternative energy development. America has an abundance of oil and natural gas and proven alternative energy sources, such as nuclear power. We don't lack the energy resources, only the political will to develop them. House Republicans support an all-of-the-above energy strategy to do just that.

If the president is serious about addressing our long-term energy needs, he should call on the Senate to pass the House's all-of-the-above energy plan. It's not too late.

My staff and I work for you. If we can ever be of service, do not hesitate to call my office toll free at 1-800-288-8721.

For release: April 9, 2012